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Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 60/175 of 16 December 2005, the present report highlights the work of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, in particular the activities carried out to assist States to respond more effectively to the challenges posed by transnational crime, corruption and terrorism and to build their capacity to prevent crime and to enhance criminal justice activities. It also deals with the factors enabling the strengthening of the United Nations Crime Prevention and Criminal Justice Programme, including the work on developing an overarching strategy for the Office as well as the search for more and better information and the mobilization of material support and partnerships. Special attention is given to the revitalization of the Commission on Crime Prevention and Criminal Justice and to follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. The report includes a set of conclusions and recommendations aimed at further strengthening the United Nations Crime Prevention and Criminal Justice Programme.

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Introduction

1. Pursuant to General Assembly resolution 60/175 of 16 December 2005, the present report focuses on the various features of the work of the United Nations Office on Drugs and Crime (UNODC) in assisting Member States in their efforts to counter the threats of transnational organized crime, corruption and terrorism, as well as to prevent crime and to strengthen criminal justice. The report highlights the main developments during the period under review[1] and further initiatives planned in those areas of work. It also describes the efforts undertaken to strengthen the United Nations Crime Prevention and Criminal Justice Programme and its governing body, the Commission on Crime Prevention and Criminal Justice, whose fifteenth session was held in Vienna from 24 to 28 April 2006.

2. The report further contains information on the implementation of Economic and Social Council resolution 2005/17 of 22 July 2005, entitled "International cooperation in the fight against transnational organized crime" and of General Assembly resolution 60/177 of 16 December 2005, entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice". It describes the efforts by the Secretary-General to streamline reporting requirements, in line with the recommendations related to the review of mandates.[2]

II. Making the world safer from uncivil behaviours

3. During the period under review, UNODC continued to assist Member States in fighting uncivil society and in strengthening peace, security and development by enhancing the capacity of Governments to assess, legislate and operate in the justice and human security areas. The present chapter provides information on the work undertaken to combat transnational organized crime, to curb corruption and to counter terrorism, as well as to prevent crime and strengthen criminal justice. The Programme of Action, 2006-2010, which emanated from the Round Table for Africa held in Abuja on 5 and 6 September 2005, demonstrates the Office's increased efforts to address those threats with a comprehensive approach to technical cooperation, based on the specific needs of the region concerned.

A. Combating transnational organized crime

1. Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

4. The number of States having ratified the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and the Protocols thereto is increasing steadily.[3] While primary responsibility for implementation rests with States parties, the success of the global fight against transnational organized crime also depends upon how effectively the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, and the review mechanism of the Convention and the Protocols will be able to address issues of compliance and to mobilize assistance to those States parties which require it to fully implement the instruments. The third session of the Conference of the Parties, to be held in Vienna from 9 to 18 October 2006, will be

crucial for the international community to pave the way for a sustainable process of translating the treaty framework into effective responses against transnational organized crime.

5. The third session of the Conference of the Parties will provide States parties with a unique opportunity to review treaty implementation based on information provided by States, as well as to address issues of non-compliance already identified during the past two sessions. In that connection, the General Assembly may wish to take note of the note by the Secretary-General on the reports of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its first and second sessions, held in Vienna from 28 June to 8 July 2004 and from 10 to 21 October 2005 respectively, which will be made available to it.

6. One of the highlights of the third session of the Conference of the Parties will be the launching of the open-ended interim working group on technical assistance activities, established in accordance with decision 2/6 of the Conference of the Parties. The main function of the working group is to facilitate the process of matching the needs of potential recipients and resources available through active dialogue among stakeholders. More specifically, the group will: (a) review needs for technical assistance; (b) provide guidance on priorities; (c) take into consideration, as appropriate and readily available, information on technical assistance activities; and (d) facilitate mobilization of potential resources. Being an evolving mechanism for technical assistance, the group is subject to review by the Conference of the Parties at its fourth session, in 2008.

7. Under the guidance of the Conference of the Parties and its open-ended interim working group, UNODC, a leading provider of technical assistance for the implementation of the Organized Crime Convention and its Protocols, expects to be able to gear its technical assistance to responding to identified needs in complying with the instruments. The guidance of the Conference of the Parties will also allow UNODC to use its limited resources in a more efficient and integrated manner.

2. Technical assistance currently provided by the United Nations Office on Drugs and Crime

8. During the period under review, UNODC has continued its efforts to promote the universal ratification of and full compliance with the United Nations Convention against Transnational Organized Crime and its Protocols (see E/CN.15/2006/8). States have been assisted in order to improve their criminal justice capacity and international cooperation. UNODC has provided training for judges, prosecutors and investigators in areas such as complex case analysis, money-laundering, mutual legal assistance, human trafficking, special investigative techniques, use of link analysis software, witness protection and the development of trial skills through mock-trial programmes. Collaboration with other agencies for training and law enforcement cooperation has provided positive results in cross-border cases.

9. In April 2006, UNODC published a report entitled *Trafficking in Persons: Global Patterns* that identified 127 countries of origin, 98 transit countries and 137 countries of destination. Global efforts to combat trafficking in persons are hampered by a lack of accurate data. UNODC is assisting Member States in improving data collection, as well as strengthening their capacity to combat trafficking in persons and smuggling of migrants through legislative assistance and

training. To that end, UNODC is developing specialized training materials on the practical aspects of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (General Assembly resolution 55/25, annex II) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (resolution 55/25, annex III) for criminal justice practitioners.

10. In that connection, the attention of the General Assembly is drawn to the draft resolution entitled "Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[4] in which the Council would request UNODC to organize a meeting on technical assistance in order to coordinate the work of agencies and bodies of the United Nations system and other relevant intergovernmental organizations working in the area of trafficking in persons.

11. Strengthening the capacity of Member States to combat illicit manufacturing of and trafficking in firearms, their parts and components and ammunition needs also to be given priority. Several UNODC field offices are implementing projects providing technical assistance to Member States in preventing the proliferation of illicit firearms and ammunition. Projects are aimed at strengthening investigative capacity as well as relevant institution-building. Additionally, UNODC will be working with Member States to develop guidelines that will assist States with the practical implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (General Assembly resolution 55/255, annex), such as establishing licensing systems, implementing security measures and the marking of firearms. The first workshop is scheduled for late 2006.

12. Kidnapping is a growing international crime problem. In April 2006, UNODC published a *Counter-Kidnapping Manual* with training materials for law enforcement practitioners and prosecutors, which had been pilot tested in Trinidad and Tobago in March 2006. Additional training will be conducted in 2006.

13. In that connection, the attention of the Assembly is drawn to the draft resolution entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session through the Economic and Social Council for adoption by the Assembly,[5] in which the Assembly would invite Member States to consider the possibility of using the operational manual against kidnapping and requests UNODC to provide Member States, upon request, with technical assistance and advice in implementing the provisions of that manual.

14. Protecting witnesses is particularly important for the investigation and prosecution of cases involving organized crime, where perpetrators are difficult to identify and often resort to intimidation and violence in order to avoid prosecution and maintain their criminal operations. In order to assist States in drawing up efficient programmes for witness protection, UNODC is developing guidelines for the establishment of witness protection agencies and facilitating a series of regional meetings to assess national laws and policies, exchange experience, strengthen existing programmes or enhance cross-border cooperation. Regional meetings were

organized for States of Latin America and the Caribbean and for States of Asia and the Pacific in November 2005 and in June 2006, respectively. During the period under review, UNODC also developed a larger project offering technical assistance to develop and strengthen witness protection programmes.

B. Curbing corruption

1. Entry into force of the United Nations Convention against Corruption and Conference of the States Parties to the Convention

15. The United Nations Convention against Corruption (General Assembly resolution 58/4, annex) entered into force on 14 December 2005 and, as at 30 June 2006, had been signed by 140 States and ratified or acceded to by 59 States. In accordance with article 63 of the Convention, the first session of the Conference of the States Parties to the Convention will be held within one year of the entry into force. At the time of writing, consultations were under way between UNODC and the Government of Jordan on arrangements for the first session, to be held in Amman in early December 2006.

16. The attention of the General Assembly is drawn to the draft resolution entitled "International cooperation in the fight against corruption", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[6] in which the Council would call upon all Member States to hold intensive consultations and make proposals for the preparations of the Conference of the States Parties to the United Nations Convention against Corruption, including by open-ended consultations facilitated by UNODC; and would request the Office to continue its collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) to prepare a technical guide to support practitioners in the implementation of the Convention, and to continue to assist States with sustainable capacity-building focused on the promotion of the implementation of the Convention.

2. Promotion of the ratification and implementation of the United Nations Convention against Corruption

17. During the period under review, the Office organized a series of high-level regional seminars to promote the ratification and implementation of the Convention against Corruption (see E/CN.15/2006/9). The seminars brought together policymakers and practitioners and provided participating countries with a platform for the sharing of experience, good practices and innovative initiatives. A range of key issues emerged during the seminars, such as the importance of developing national anti-corruption strategies, including strong preventive measures; of establishing anti-corruption bodies with adequate political, functional and budgetary independence; of developing a methodology, including establishing objective indicators, for assessing progress in the implementation of the Convention; of promoting existing mechanisms of international cooperation, especially in the field of extradition and mutual legal assistance; and of developing mechanisms for asset recovery. Participants also noted the importance of the technical assistance provided by UNODC. The conduct of joint initiatives with other regional and international

organizations, including joint training courses aimed at building national capacity, was particularly encouraged.

18. Jointly with the Organization for Security and Cooperation in Europe (OSCE), the Organization for Economic Cooperation and Development (OECD), the Stability Pact Anti-Corruption Initiative [of the Stability Pact for South-Eastern Europe], the Inter-American Development Bank and the United Nations Development Programme (UNDP), the Office conducted three regional training seminars for specialized prosecutors and investigators on handling anti-corruption casework, involving a total of 67 countries from Latin America and the Caribbean, from Central and Eastern Europe and Central Asia and from Southern and Eastern Africa. Together with UNDP, a regional forum on anti-corruption institutions from Central and Eastern Europe and Central Asia was conducted in December 2005, at which policy and practical issues were discussed concerning the drafting of anti-corruption legislation and its enforcement, the creation of anti-corruption bodies, as well as preventive measures.

19. Legal advisory services were provided under a project launched in Viet Nam for the drafting of a national law against corruption, which was approved by the National Assembly at the end of 2005. The Office was also involved in the provision of legal expertise on different drafts of the Cambodian anti-corruption legislation to bring them in line with the requirements of the Convention. A technical assistance mission to Equatorial Guinea in September 2005 aimed to accelerate the ratification process and to provide national authorities with legal advisory services regarding the legislative implementation of the crime conventions. The Guinean Penal Code and the Criminal Procedure Code were amended in November 2005 with the support of UNODC with a view to incorporating the requirements of the universal instruments against terrorism and the crime conventions. The Office also assisted Benin with a desk review of its draft anti-corruption law and with participation in the session of the National Commission on Legislation and Codification, held from 6 to 10 February 2006 in Cotonou, at which the draft law was reviewed before its submission to Parliament.

20. UNODC also provided capacity-building assistance at the country level. Within the project to support the Economic and Financial Crimes Commission and the Nigerian judiciary, the Office conducted an in-depth assessment of the regulatory and institutional situation with a view to recommending legislative and other measures to strengthen the framework to combat money-laundering and the asset recovery capacity. A similar assessment was conducted in Kenya in early 2006. In South Africa, a national action plan for judicial reform was adopted in 2005, including measures to enhance access to justice, to strengthen confidence in the courts, to increase coordination towards an integrated justice system and to improve the quality and efficiency of justice delivery. In Colombia, the Office worked with local partners to implement action plans to enhance the transparency and accountability of the local administration and launched preparatory assistance to strengthen the integrity of the national police. The project in Lebanon, including the development of a code of citizenship for youth and educational material to enhance awareness among adolescents about corruption as well as the launch of an information campaign to increase the adherence of youth to the rule of law, was completed in 2005. In the Islamic Republic of Iran, a road map of judicial reform was prepared during a workshop on best international practices for judicial conduct

and integrity for top-ranking judicial staff. In Indonesia, more than 200 judges and prosecutors were trained in handling corruption cases. The Office organized "town hall" meetings, providing an opportunity for more than 1,500 citizens to interact with local justice sector representatives; radio and television programmes have been launched, informing the public about their basic rights and existing complaints mechanisms; and information materials have been made available to all the courts of the country. The final declaration of the first National Integrity Meeting for the Judiciary in Indonesia in May 2006 called upon the Government to support the judiciary to strengthen judicial integrity and capacity and requested the Supreme Court and the Judicial Commission to develop guidelines for the implementation of the Code of Conduct for Judges, taking into account the Bangalore Principles of Judicial Conduct (E/CN.4/2003/65, annex).

21. In that connection, the attention of the General Assembly is drawn to the draft resolution on "Strengthening basic principles of judicial conduct", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[7] in which the Council would invite Member States to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary.

22. The second International Anti-Corruption Day, observed on 9 December 2005, was marked in Vienna and New York, as well as in 17 UNODC field offices, by a number of activities that included press conferences, the launching of publications, television and radio talk shows and the broadcasting of public service announcements.

C. Countering terrorism

23. The year under review has been marked by new serious attacks, reminding the international community of the urgency of addressing the terrorist threat. In his report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (A/60/825 and Corr.1), the Secretary-General presented recommendations for a collective global effort to counter terrorism, in particular to build state capacity in that area while protecting human rights.

24. In pursuance of its mandates, UNODC focuses on addressing those elements in strengthening States' capacity to counter terrorism, more specifically through the provision of specialized legal expertise to reinforce the legal regime against terrorism.[8] Technical assistance activities at the national, subregional and regional levels have been conducted within the framework of the global project on strengthening the legal regime against terrorism. Since January 2003, UNODC has supported 119 States, either directly or indirectly, in ratifying and implementing the universal legal instruments related to terrorism and has contributed significantly to increasing the number of States that have ratified the 12 first instruments. In addition to increased ratifications, that assistance has resulted in new or revised counter-terrorism legislation being developed in at least 29 countries. UNODC has also helped States to compile the legal and criminal justice data needed for the reports to the Counter-Terrorism Committee, established by the Security Council in its resolution 1373 (2001) of 28 September 2001.

25. UNODC's work in that area is also focusing on capacity-building. Initial regional workshops to mobilize political commitment and to intensify national action to ratify and implement the universal instruments related to terrorism have been followed by an intensification of support in the area of international cooperation in criminal matters related to terrorism, as well as training seminars and specialized courses to reinforce the ability of the national criminal justice systems to tackle terrorist criminal behaviour. Furthermore, UNODC has also concentrated its efforts to review the progress made in that area of work and to identify gaps where assistance is still necessary. It should be noted that UNODC's technical assistance efforts in all the areas of its competency to countries in need have expanded.

26. Technical assistance is provided in close coordination with the Counter-Terrorism Committee and its Executive Directorate and in cooperation with other relevant regional and international organizations. Since June 2005, UNODC has participated in country visits of the Counter-Terrorism Committee Executive Directorate to Albania, Algeria, Thailand, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania.

27. In order to achieve sustained impact, UNODC has developed and disseminated tools for international criminal cooperation in countering terrorism, including legislative guides, checklists and a counter-terrorism legislation database. New tools and substantive working documents, based on best practices identified by international experts, are currently being developed.

28. The attention of the General Assembly is drawn to the report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime, which contains more detailed information on activities undertaken in the area.

D. Preventing crime and strengthening criminal justice

29. Crime prevention and criminal justice reform have been at the heart of the United Nations Crime Prevention and Criminal Justice Programme since its creation and their importance has been recently emphasized by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005,[9] and the Commission on Crime Prevention and Criminal Justice. UNODC pursues its efforts to build its capacity and to provide enhanced services to Member States in those areas, through normative work, advisory services and technical assistance, thereby strengthening its partnerships with key United Nations and other bodies.

1. Normative work

30. As the custodian of United Nations standards and norms in crime prevention and criminal justice, UNODC continued supporting their dissemination, use and application by Member States. In that regard the updated version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[10] has been finalized and will be published in the second half of 2006. In addition, pursuant to Economic and Social Council resolution 2004/28 of

21 July 2004, an Intergovernmental Expert Group Meeting to develop an information-gathering instrument on standards and norms related primarily to crime prevention was organized in Vienna from 20 to 22 March 2006 (see E/CN.15/2006/CRP.1).

31. The attention of the General Assembly is drawn to the draft resolution entitled "United Nations standards and norms in crime prevention", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[1] in which the Council would approve the information-gathering instrument developed by the Intergovernmental Expert Group Meeting for purposes of dissemination; would invite Member States to reply; and would request the Secretary-General to report back to the Commission at its sixteenth session on the use and application of United Nations standards and norms related primarily to crime prevention, in particular as regards: (a) difficulties encountered in the application of those standards and norms; (b) ways in which technical assistance could be provided to overcome those difficulties; (c) useful practices in addressing existing and emerging challenges in that field; and (d) suggestions from Member States of ways to further improve the existing standards and norms.

2. Crime prevention

32. Current activities of UNODC in the area of crime prevention focus on the implementation of the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex) by means of field-based technical assistance, such as the United Nations-Mexico support mechanism for drug abuse and crime prevention projects. UNODC is also implementing a project entitled "South-South cooperation for determining good practices for crime prevention in the developing world" and in developing a survey instrument on the implementation of the Guidelines. Further activities include a contribution to the progress report on crime prevention discussed at the eighth World Conference on Injury Prevention and Safety Promotion, held in Durban, South Africa, from 2 to 5 April 2006, and servicing the third session of the World Urban Forum, convened by the United Nations Human Settlements Programme (UN-Habitat) in Vancouver, Canada, from 19 to 23 June 2006.

33. Future activities will focus on crime prevention among urban youth by means of networks and employment generation, with a strong partnership being developed with UN-Habitat and the Safer Cities Programme.

3. The rule of law and criminal justice reform

34. Since 2005, UNODC has developed a comprehensive programme in the area of criminal justice reform and the rule of law. A key focus of the work has been on vulnerable groups within the criminal justice system, in particular women and children. Focus has also been placed on countries in conflict and emerging from conflict and countries with economies in transition. Technical assistance is carried out in four main areas: (a) comprehensive criminal justice reforms; (b) penal reform, with a focus on alternatives to imprisonment; (c) children in conflict with the law; and (d) support to victims of crime and violence, in particular women and children.

35. The capacity of the UNODC field office network was strengthened in those areas by the provision of advice, technical tools and on-site training. In accordance with Economic and Social Council resolution 2005/21 of 22 July 2005 and based on international standards and best practices, a number of tools and training manuals on criminal justice reform, including a criminal justice assessment toolkit, were initiated by UNODC and relevant partners.

36. The project portfolio covering criminal justice reform issues expanded from 8 to 15 projects between 2004 and 2006. The total project portfolio for the area of the rule of law and criminal justice reform is currently $18 million. During the reporting period, innovative projects on penal reform focusing on alternatives to imprisonment and post-release options were developed.

37. Recognizing the importance of avoiding duplication as well as utilizing to the full the relatively limited capacity of UNODC and its role as an honest broker in those areas, efforts have been made to build effective partnerships with other United Nations entities, regional organizations and non-governmental organizations active in the area of the rule of law and criminal justice reform. Cooperation with the Department of Peacekeeping Operations of the Secretariat has increased, such as for the development of the toolkit for criminal justice assessments and cooperation in several field missions. Apart from the strengthened relationship with that Department, partnerships in the area of the rule of law and criminal justice reform have been established with and strengthened with the United Nations Children's Fund (UNICEF), UNDP, the Office of the United Nations High Commissioner for Human Rights and OSCE. At the operational level and in some cases in cooperation with other agencies, UNODC has carried out in-depth assessment missions in the area of criminal justice reform and the rule of law to Guinea-Bissau, Haiti, Liberia, the Libyan Arab Jamahiriya and Nigeria. A mission is also planned for the Democratic Republic of the Congo.

38. The attention of the General Assembly is drawn to the draft resolution entitled "Strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[12] in which the Council would encourage UNODC to continue to develop tools and training manuals on criminal justice reform and to disseminate them widely; to further develop its comprehensive programme in strengthening the rule of law and the reform of criminal justice institutions with a continued focus on vulnerable groups, such as women and children, countries with economies in transition and countries in post-conflict situations and the need for capacity-building at the field office level; and to develop innovative approaches and partnerships in that area; as well as to continue to provide long-term sustainable technical assistance in the area of criminal justice reform in post-conflict situations in cooperation with the Department of Peacekeeping Operations and to increase synergies between the involved agencies; and would invite it to provide its expertise to the Peacebuilding Commission, the rule of law assistance unit, in the ongoing work of the Rule of Law Focal Point Network and other relevant entities.

39. The Commission on Crime Prevention and Criminal Justice also recommended for adoption by the Council a draft resolution entitled "Crime prevention and criminal justice responses to violence against women and girls",[13] in which the Council would request UNODC to consider providing assistance to Member States

in that area and to integrate the elimination of violence against women and girls into their training and technical assistance efforts, including their crime prevention activities; and would encourage the Office to continue to develop tools and training manuals on criminal justice reform with a gender perspective and targeting the special needs of women, including those in prison settings; as well as to expand its work in providing assistance to victims of violence.

E. Formulating a response to Africa's special needs

40. The Programme of Action, 2006-2010, on strengthening the rule of law and criminal justice systems in Africa is considered an example of good practice in developing a strategic and operationally oriented framework for technical cooperation aimed at prioritizing specific areas of assistance based on the needs of a region or subregion and at promoting an integrated and holistic approach to technical cooperation. The Programme of Action was developed by African experts in cooperation with UNODC and endorsed at the Round Table for Africa, hosted by the Government of Nigeria in Abuja on 5 and 6 September 2005 and attended by senior officials from 47 African countries, including 14 ministers, representatives of donor countries, international financial institutions, development agencies and non-governmental organizations.

41. The Programme of Action will assist African Governments in their efforts to tackle crime, insecurity and underdevelopment in Africa by mainstreaming the rule of law and combating crime and drugs into the development agenda. It also provides a framework for channelling resources, both from African Governments and from donor partners, and a tool to foster a strategic partnering approach with other institutions, including the Commission of the African Union, the New Partnership for Africa's Development (see A/57/304, annex), the League of Arab States, the African Development Bank, the Southern African Development Community, the Arab Bank for Economic Development in Africa, the Eastern Africa Police Chiefs Cooperation Organization, the Economic Community of Central African States, the Southern African Regional Police Chiefs Cooperation Organization, the Economic Community of West African States and key international players such as UNDP, the Department of Peacekeeping Operations, UN-Habitat, the International Labour Organization, the International Maritime Organization, UNICEF, UNICRI, the African Institute for the Prevention of Crime and the Treatment of Offenders, the United Nations Development Fund for Women, the Office of the United Nations High Commissioner for Refugees, the World Bank, the International Monetary Fund, the Financial Action Task Force on Money Laundering, the European Commission, the International Criminal Police Organization (Interpol), the Customs Cooperation Council (also known as the World Customs Organization), OECD and the Department for International Development of the United Kingdom of Great Britain and Northern Ireland and relevant non-governmental organizations. The Programme of Action will be implemented in accordance with the criteria contained in the 2005 Paris Declaration on Aid Effectiveness: (a) ownership; (b) harmonization; (c) alignment; and (d) managing for results.

42. The attention of the General Assembly is drawn to the draft resolution entitled "Implementation of the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa", recommended by the

Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[14] in which the Council would invite the Chairman of the Commission on Crime Prevention and Criminal Justice to notify the Commission of the African Union of the need for its member States to endorse the Programme of Action, to support its implementation and to review regularly the progress made, and would request UNODC to support the implementation in cooperation with all African States, the African Union and other regional organizations, in particular in the context of the New Partnership for Africa's Development and to present a progress report to the Commission in 2008.

43. In response to the Programme of Action, 2006-2010, the Office is developing new initiatives to combat organized crime, trafficking in human beings and smuggling of migrants, corruption, money-laundering, terrorism, drug abuse and HIV/AIDS. Assistance is being provided to Governments to establish national central authorities to deal with requests for extradition and mutual legal assistance. UNODC aims at developing a balanced approach between legislative norm-setting, law enforcement, preventive activities and building of knowledge, in line also with its strategic programme frameworks for each subregion.

44. Reference is also made to the draft resolution entitled "Providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[15] in which the Council would encourage the UNODC to continue its work in the area of HIV/AIDS in prisons, in partnership with other members of the Joint United Nations Programme on HIV/AIDS; would invite UNODC to develop further tools and training manuals in the area of penal reform and alternatives to imprisonment, in particular in the areas of prison management, legal advice and assistance and the special needs in prison of women and children, as well as of persons with mental illness and the physically challenged; and would request the Office to continue providing advisory services and technical assistance to Member States in the area of penal reform, including restorative justice, alternatives to imprisonment, HIV/AIDS in prisons and the special needs of women and girls in prisons, as well as to develop a programme of technical assistance for Africa in penal reform and provision of alternatives to imprisonment.

III. Strengthening the United Nations Crime Prevention and Criminal Justice Programme

45. In order to strengthen the United Nations Crime Prevention and Criminal Justice Programme, a number of enabling factors are required, including further development of an overarching strategy for UNODC, the availability of more and better data, as well as the mobilization of material support and partnerships.

A. Fostering the reform process of the United Nations Office on Drugs and Crime

46. The report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005 and Corr.1), as well as

the 2005 World Summit Outcome (General Assembly resolution 60/1), recognized organized crime and terrorism among major security concerns. They highlighted the strong nexus among development, security and human rights. Crime, drugs and terrorism are the key challenges that situate UNODC within the United Nations system as an entity with its own professional identity and position as a partner with other United Nations entities in pursuit of collective action for the achievement of the Millennium Development Goals.

47. In consultation with Member States, UNODC has been developing a comprehensive strategy to actualize the vision of making the world safer from crime, drugs and terrorism. The strategy rests on the idea that national and regional responses should dovetail into an overarching strategy to maximize the synergies with the mandates on drugs and crime, on the one hand, and various development actors, including other United Nations entities and non-governmental organizations.

48. The strategy will be implemented within a framework of organizational change, pursuing a seamless flow of information to create a learning organization. The comprehensive strategy will be refined into workplans with clearly identified deliverables and targets. Workplans will seek to conceptualize "result chains" that adequately demonstrate the impact of UNODC assistance to Member States.

49. Overall, the UNODC strategy should enhance planning, monitoring, managing and reporting on results, thus allowing for a more agile response to ongoing and emerging issues, corrective measures, transparency and accountability.

B. Generating more and better information

50. Evidence-based crime prevention policies and criminal justice reform require good information. In that respect, it is necessary to improve systems to collect and analyse statistics and to increase rates of reporting by Member States.

51. Pursuant to Economic and Social Council resolution 2005/23 of 22 July 2005, entitled "Strengthening reporting on crime", a meeting of an open-ended expert group to consider ways and means of improving crime data collection, research and analysis with a view to enhancing the work of the United Nations Office on Drugs and Crime and other relevant international entities was organized in Vienna from 8 to 10 February 2006 (see E/CN.15/2006/4). As recommended by the meeting of the open-ended expert group, UNODC is considering the revision of the current data collection instrument (United Nations Survey of Crime Trends and Operations of Criminal Justice Systems), in order to enable reporting of crimes included in the conventions against transnational organized crime and corruption.

52. Administrative statistics may be complemented with the experience and attitudes of citizens on crime and victimization. UNODC, in collaboration with the Economic Commission for Europe, is developing a manual for conducting victimization surveys. The manual is based on experience accumulated through national and international surveys and will facilitate the design of national victimization surveys while assuring international comparability.

53. Africa is the least documented region in terms of data and information on crime and drugs. Hence, cluster VI of the Programme of Action, 2006-2010, on strengthening the rule of law and criminal justice systems in Africa, called for the

urgent development of mechanisms to collect, analyse, publish and disseminate data on drugs, crime and victimization. The UNODC Data for Africa project provides technical assistance to African countries to build the capacity of criminal justice agencies and national statistical systems in that regard. The project shares international methodologies for data collection, analysis and dissemination and provides relevant training, including through the use of the *Manual for the Development of a System of Criminal Justice Statistics*.[16] The UNODC project "Collection and analysis of data on trends in drugs, crime and victimization in Africa", funded under the Development Account for the biennium 2006-2007, belongs to the initiative. Activities will entail collaboration with UN-Habitat, the Department of Economic and Social Affairs of the Secretariat and the Economic Commission for Africa.

C. Mobilizing material support and partnering

54. Voluntary contributions for UNODC's crime programmes and projects has increased rapidly in 2005. The overall level of contributions to the United Nations Crime Prevention and Criminal Justice Fund amounted to $43.0 million ($16.2 million in 2004). Over 80 per cent of those voluntary contributions are intended for interventions in specific countries and areas. The funding mix does not provide flexibility to address priorities and more general-purpose funding is needed to enable the Office to better plan and implement long-term activities compatible with its mandate and consistent with its core functions.

55. UNODC's multi-faceted mandate resonates with many different constituencies, a positive factor in terms of seeking co-financing and cost-sharing arrangements with a diverse group of donors. Donor budgets to combat transnational crime tend to be focused primarily on domestic concerns or international activities that relate to domestic policy issues, leaving limited scope for direct institutional support in the form of general-purpose funding.

56. Another consideration is the changing profile of development assistance whereby donors put more emphasis on policy-based assistance, such as direct budget support, thereby moving away from the funding of individual projects. This has important implications for fund mobilization and partnering. UNODC is seeking to increase its strategic partnering and to align it to such a policy-driven funding approach. The development of a comprehensive strategy is an important element in developing a coherent, well-defined mission statement and a "brand image" to make UNODC's policies and mandates more visible and recognizable to its external partners.

57. UNODC's engagement with external partners, including local governments, will need to be based on a comprehensive understanding of how their policies, priorities, budgets and operating procedures are shaped and how they coincide with the priorities of UNODC. Strategic interests, a search for synergy as well as long-term commitment are key ingredients for the successful mainstreaming of the UNODC mandate. Equally, prospective partners will need to be carefully selected in respect of their strategic policy and development finance impact, their interest in supporting the United Nations system, as well as their need for the specialized know-how available at UNODC.

58. In that context, partnerships have been or are being developed with key international organizations (European Commission, OSCE) and/or international financial institutions (World Bank, Asian Development Bank, the Fund for International Development of the Organization of the Petroleum Exporting Countries (OPEC)), which will facilitate linking UNODC's mandates and strategic priorities with major development policy and finance interventions.

59. In October 2006, UNODC is organizing a first-ever Global Partnership Forum with private and corporate foundations, which will focus on human trafficking. The development of partnerships with private foundations and the private sector will help to develop and apply codes of conduct in compliance with United Nations conventions. Such partnerships will enable UNODC to share resources and expertise and to position itself as regards key issues of transnational crime at the centre of the international policy debate.

60. With a view to mobilizing material support, UNODC has developed a number of promotional materials, including for the first time in 2005 an annual report, which provides an overview of the Office's activities worldwide and chronicles the work of its field offices and substantive units (www.unodc.org/unodc/annual_report_2005.html).

IV. Strengthening the Commission on Crime Prevention and Criminal Justice as the governing body of the crime programme

61. At its fifteenth session, the Commission on Crime Prevention and Criminal Justice held a thematic discussion on maximizing the effectiveness of technical assistance provided to Member States in crime prevention and criminal justice. The Commission discussed how to set priorities for, take stock of, mobilize resources for and evaluate technical assistance. The discussion stressed that, in order for such assistance to have an impact on the rule of law and to achieve sustainability, a holistic approach was required, targeting the whole criminal justice system to ensure that a basic, overall justice system was in place and functioning before more specialized interventions were undertaken.

62. The Commission also considered its revitalization, in particular the following issues: (a) entrusting the Commission with authority to approve the budget of the United Nations Crime Prevention and Criminal Justice Fund; (b) strengthening the role of the Commission as the principal United Nations policymaking body in the field of crime prevention and criminal justice and, in that connection, clarifying the relationship among the Commission, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption; and (c) further enhancing the methods of work of the Commission (see E/CN.15/2006/16 and Corr.1). The Commission also discussed restructuring and reformatting its draft provisional agenda for the sixteenth session with a view to ensuring greater involvement by experts and practitioners, to provide adequate follow-up to the crime congresses and to better address the relationship between the Commission and the Conferences of the Parties to the crime conventions.

63. The Commission recommended 2 draft resolutions for adoption by the General Assembly and 10 draft resolutions and two draft decisions for adoption by the Economic and Social Council. Special attention is drawn to the draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body",[17] recommended by the Commission through the Economic and Social Council for adoption by the Assembly, in which the Assembly would provide the Commission with administrative and budgetary authority over the United Nations Crime Prevention and Criminal Justice Fund, and would empower the Commission to approve, on the basis of the proposals of the Executive Director of UNODC, the budget of the United Nations Crime Prevention and Criminal Justice Fund, including its administrative and programme support cost budget and, hence, acquire an important tool to provide policy guidance to UNODC.

V. Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

64. Pursuant to Economic and Social Council resolution 2005/15 of 22 July 2005, the Secretary-General was requested to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (General Assembly resolution 60/177, annex), adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, for consideration and action by the Commission at its fifteenth session (see E/CN.15/2006/7).

65. The Commission recommended the organization of an intergovernmental expert group to discuss ways and means to operationalize the recommendations contained in the Bangkok Declaration. The attention of the Assembly is drawn to the draft resolution on "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice", recommended by the Commission on Crime Prevention and Criminal Justice at its fifteenth session for adoption by the Economic and Social Council,[18] in which the Council would request UNODC to convene an intergovernmental group of experts to discuss the Eleventh Congress and previous congresses in order to accumulate and consider lessons learned from prior congresses with a view to developing a methodology for capturing lessons learned for future congresses; would welcome the offer of the Government of Thailand to host the intergovernmental group of experts; and would reiterate its request to UNODC to engage in consultations with the Governments that had offered to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in 2010, and to report thereon to the Commission at its sixteenth session.

VI. Conclusions and recommendations

66. **Over the past 10 years, the activities of the United Nations in the field of crime prevention and criminal justice have grown considerably, encompassing a large number of mandates and activities, ranging from providing assistance**

to Member States to adhere to and implement the international treaties addressing organized crime, corruption and terrorism to assisting them in applying the United Nations standards and norms in crime prevention and criminal justice and in implementing specific mandates contained in resolutions of the General Assembly, the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice.

67. The growth of the programme is linked to the increased recognition of the impact of crime and terrorism on security and development. The international community has acknowledged that lawlessness can destroy the best-laid development plans. Thus, in the 2005 World Summit Outcome document, Heads of State and Government resolved to strengthen the capacity of UNODC, within its existing mandates, to provide assistance to Member States (see General Assembly resolution 60/1, para. 115).

68. Major achievements have been reached, including the entry into force of the Organized Crime Convention and its three Protocols as well as the Convention against Corruption. However, the way ahead is even more challenging:

(a) Universal ratification of the instruments on transnational organized crime and on corruption and of the 13 universal instruments against terrorism is still a distant goal. The Firearms Protocol, a key tool in improving international controls on illicit manufacturing of and trafficking in firearms, which kill literally thousands of people every year, has still less than 55 States parties. Moreover, the challenge to UNODC in its capacity as the secretariat of the Conference of the Parties to the Organized Crime Convention and of the Conference of the States Parties to the Convention against Corruption, is to ensure that the Conferences receive the best possible support to act successfully as review mechanisms;

(b) Much work remains to be done in the area of prevention of terrorism, especially in terms of incorporation of international provisions into domestic law. The work of UNODC aims at providing support for national capacity-building through expanded training in counter-terrorism for criminal justice officials, transfer of specialized knowledge, promotion of good practices and compliance with the rule of law, taking due account of human rights. UNODC will have, moreover, a crucial role in the implementation of the recommendations of the Secretary-General's comprehensive strategy against terrorism;

(c) In each of the operational areas of UNODC's work there is a rapidly increasing demand for support in the formulation of laws and policies, institution-building and the strengthening of capacity and expertise. In order to meet those demands the Office must enhance its capacity to provide timely assistance of high quality.

69. Faced with such challenges, the Office is working on strengthening the United Nations Crime Prevention and Criminal Justice Programme. The overarching strategy should become a blueprint identifying the Office's areas of expertise, its priorities, its objectives and enabling conditions to make it successful in its crime and terrorism prevention activities. Collection of more reliable data will lead to a better understanding of the underlying problems. In

order to mobilize material support and enhance partnerships, the Office continues to expl e ways of becoming more strategic, more embedded into global mechanisms - technical assistance and more effective at leveraging resources.

70. **In order to be able to reach all the above objectives, the Office needs the appropriate support of Member States, whether as aid providers or aid receivers, whether political, material or financial aid. The Assembly may therefore wish to consider:**

(a) Urging all States and competent regional economic integration organizations that have not yet done so to sign, ratify or accede to the Organized Crime Convention and the Protocols thereto, as well as the Convention against Corruption and the universal instruments related to terrorism, including by drawing on, where appropriate, the services available for that purpose in UNODC;

(b) Urging all Member States to take all necessary measures to strengthen the Commission on Crime Prevention and Criminal Justice, as the principal policymaking body in the field, in performing its activities, including cooperation and coordination with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network and relevant intergovernmental and non-governmental organizations;

(c) Urging all Member States to provide UNODC with regular and adequate resources for the full implementation of its mandates and, in particular, to increase their support to the operational activities of the Programme through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities.

71. **The Assembly may also wish to consider encouraging the development agencies within the United Nations system, as well as the international financial institutions and regional and national funding agencies, to further increase their support to and their interaction with UNODC in order to benefit from synergies and avoid duplication of effort and to ensure that, as appropriate, activities on crime prevention and criminal justice are considered in their development programmes and interventions and that the expertise of the Office is fully utilized.**

Notes

[1] See also the report of the Executive Director on development, security and justice for all: towards a safer world (E/CN.7/2006/5-E/CN.7/2006/2).

[2] See the report of the Secretary-General on mandating and delivering: analysis and recommendations to facilitate the review of mandates (A/60/733 and Corr.1).

[3] Status of ratification as at 30 June 2006: Organized Crime Convention (signatories: 147; parties: 122); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (signatories: 117; parties: 101); Protocol against the Smuggling of Migrants by Land, Sea and Air (signatories: 112; parties: 92); and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Ammunition (signatories: 52; parties: 53).

[4] *Official Records of the Economic and Social Council, 2006, Supplement No. 10* (E/2006/30), chap. I, sect. B, draft resolution VIII.

[5] Ibid., sect. A, draft resolution II.

[6] Ibid., sect. B, draft resolution V.

[7] Ibid., draft resolution IV.

[8] See General Assembly resolutions 60/175 and 60/43 and Economic and Social Council resolution 2005/19.

[9] *Eleventh United Nations Congress on Crime Prevention and Criminal Justice, Bangkok, 18-25 April 2005: report prepared by the Secretariat* (United Nations publication, Sales No. E.05.IV.7).

[10] United Nations publication, Sales No. E.92.IV.1 and corrigendum.

[11] *Official Records of the Economic and Social Council, 2006, Supplement No. 10* (E/2006/30), chap. I, sect. B, draft resolution I.

[12] Ibid., draft resolution VI.

[13] Ibid., draft resolution X.

[14] Ibid., draft resolution II.

[15] Ibid., draft resolution III.

[16] United Nations publication, Sales No. E.03.XVII.6.

[17] *Official Records of the Economic and Social Council, 2006, Supplement No. 10* (E/2006/30), chap. I, sect. A, draft resolution I.

[18] Ibid., sect. B, draft resolution VII.

Annex

Contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund

January 2005-June 2006

(United States dollars)

Donor	*Total amount pledged*	*General purpose*	*Special purpose*
Australia	901 077		901 077 [a]
Austria	678 111	21 829 [a]	656 282 [a]
Belgium	384 988		384 988 [a]
Brazil	4 272 300		4 272 300 [a]
Canada	1 895 777	118 226 [a]	1 777 551 [a]
Cape Verde	5 731 707		5 731 707 [a]
Colombia	83 281		83 281 [a]
Croatia	1 000	1 000 [a]	
Denmark	1 135 512		1 135 512 [a]
France	428 117		428 117 [a]
Germany	242 131		242 131 [a]
Greece	135 000		135 000 [a]
Hungary	55 423		55 423 [a]
India	3 000	3 000 [a]	
Ireland	927 435		927 435 [a]
Italy	3 551 170	1 331 170 [a]	2 220 000 [a]
Japan	139 511	10 000 [a]	129 511 [a]
Liechtenstein	150 000		150 000 [a]
Madagascar	1 000	1 000 [a]	
Morocco	4 000	4 000 [a]	
Netherlands	2 458 302		2 458 302 [a]
Norway	2 224 602	459 383 [a]	1 765 219 [a]
Republic of Korea	8 000	8 000 [a]	
Spain	47 337		47 337 [a]
Sweden	3 627 416	140 579 [a]	3 486 837 [a]
Switzerland	1 230 385		1 230 385 [a]
Thailand	314 643		314 643 [a]
Tunisia	2 341	2 341 [a]	
Turkey	100 000	50 000 [a]	50 000 [a]
United Kingdom of Great Britain and Northern Ireland	3 852 957		3 852 957 [a]
United States of America	3 563 200		3 563 200 [a]
Venezuela (Bolivarian Republic of)	4 084	4 084 [a]	
United Nations Development Programme	177 000		177 000 [a]

Donor	*Total amount pledged*	*General purpose*	*Special purpose*
Office of the United Nations High Commissioner for Refugees	10 000	–	10 000[a]
United Nations Children's Fund (Lebanon)	15 000	–	15 000[a]
United Nations Trust Fund for Human Security	243 960	–	243 960[a]
Drosos Foundation (Switzerland)	369 218	–	369 218[b]
European Commission	21 730 892	–	21 730 893[b]
Instituto Damasino Brazil	30 000	–	30 000[a]
Total	**60 729 877**	**2 154 612**	**58 575 265**

[a] Paid.
[b] Paid in part.
[c] Pledged.